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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,504	08/09/1999	JOHN K. GALLANT	RIC-98-047	8182
25537	7590	08/08/2005	EXAMINER	
MCI, INC 1133 19TH STREET NW WASHINGTON, DC 20036			TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2666	
DATE MAILED: 08/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/370,504

Applicant(s)

GALLANT ET AL.

Examiner

PHUC H. TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,8,11-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8,11-18 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: claim 8 is depended on the cancel claim 6. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-4, rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- Regarding to claim 1, “securing the ATM virtual circuit by use of proxy addressing” is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art at the time the application was filed. In the specification, the proxy used in IP network not in ATM, therefore the claim limitation was not disclosed.
- Regarding to claim 22, “ATM intelligent controller providing session setup signaling to said first and second devices” and “IP intelligent controller providing call setup signaling to said ATM intelligent controller” are not described in the specification in

such a way as to reasonably convey to one skilled in the relevant art at the time the application was filed. In the specification, the MSCP provides an intelligent control layer for the establishment of an IP telephony, therefore the claim limitation was not discloses.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-2, and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagami et al. (US Patent No. 5835710).

- With respect to claims 1-2, 4 and 20-23, Nagami discloses a system and method for providing multimedia conferencing services (voice, data and/or video) over an ATM network interconnecting IP customer premises (Fig. 1):

transporting IP telephone media for the session between the calling party and a first device, which is router (block 601 in Fig. 1), having IP telephony capability and ATM capability (col. 42, lines 13-32);

transporting IP telephone media for the session between the called party and a second device, which is router (block 601 in Fig. 1), having IP telephony capability and ATM capability (col. 13-32); and

establishing an ATM virtual circuit for the session between the first device and the second device (e.g. the ATM LAN in Fig. 1, Fig. 9 and 206 in Fig. 4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagami et al. (US Patent No. 5835710) in view of Borella et al. (U.S. Patent No. 6731642 B1).

- With respect to claims 3 and 24, Nagami discloses all the aspect of the claimed invention as set forth above but fails to teach wherein the first device is identified by a temporary session IP proxy address for the called party; and the second device is identified by a temporary session IP proxy address for the calling party. Borella teaches allocated proxy address for the session for the called party and calling party (col. 12, lines 23-27). The proxy address can be implemented into the called party and calling party of Nagami for securing and communicating

between networks. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the proxy address for security in the communication system.

8. Claims 5, 7-8, and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al. (U.S. Patent No. 6731642 B1) in view of Han (U.S. Patent No. 6351465 B1).

- With respect to claim 5, 7-8, 12-14, and 16-17, Borella teaches a method for providing quality of service in an IP telephony session between a calling party and a called party (Fig. 1), which comprises the steps of:

assigning a temporary IP proxy address to the called party at a first access control manager (col. 12, lines 24-25), the first access control manager being configured to couple an IP network to a second network at a first access point (blocks 22 and 18 in Fig. 1);

assigning a temporary IP proxy address to the calling party at a second access control managers (col. 12, lines 26-27), the second access control manager being configured to couple the IP network to the second network at a second access point (blocks 20 and 28 in Fig. 1);

Borella fails to teach an assigning a temporary second network calling party address for the session at the first access control manager; assigning a temporary second network calling party address for the session at the second access control manager; establishing a switch virtual circuit for the session between the first access control manager and the second access control manager.

Han teaches the second network (ATM in Fig. 5) and assigning an address for calling party and called party (col. 8, lines 15-16) and establishing a switch virtual circuit for the section between the first access control manager and the second access control manager (col. 8, lines 17-

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18). The establishing the second network for the section and assigning the address for calling and called party can be implemented by connecting the ATM network of Han between the routers (18 and 20 in Fig. 1 of Borella). The motivation for using ATM network to provide a quality of service in the communication between the calling and called party. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the ATM network and assigning the ATM address for the calling and called party to provide a QoS in the communication system.

- With respect to claims 9, & 15, Borella further teaches the steps of:

routing IP media traffic from the calling party to the called party IP proxy address at the first access control manager (Fig. 1 from block 24 to 18); and

routing IP media traffic from the called party to the calling party IP proxy address at the second access control manager (Fig. 1 from 27 to 20).

- With respect to claims 11, & 18, Borella discloses all the aspect of the claimed invention as set forth above but fails to teach the steps of:

translating IP media traffic received at the called party IP proxy address to ATM traffic for transport through the virtual circuit from the first access control manager to the second access control manager; and translating IP media traffic received at the calling party IP proxy address to ATM traffic for transport through the virtual circuit from the second access control manager to the first access control manager.

Han teaches the translating IP to ATM (col. 5, lines 25-31; col. 8, lines 15-16). The translation IP traffic to ATM traffic can be implemented at the router of Borella. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was

made to implement the translating IP traffic to ATM traffic for transmitting data with QoS in ATM network.

Response to Arguments

9. Applicant's arguments with respect to claims 1-5, 7-8, 11-18, and 20-24 have been considered but are moot in view of the new ground(s) of rejection.

- In response to Applicant's argument that Borella et al. does not disclose or suggest securing the ATM virtual circuit by use of proxy addressing. Examiner respectfully disagrees. The limitation is not taught in the specification (see above rejection).
- In response to Applicant's argument that Han discloses a cut-through path that avoids ATM routers through use of virtual paths, clearly this is not analogous to translating received IP media traffic into ATM traffic for transport through the virtual circuit. Examiner respectfully disagrees. Han discloses the cut-through paths are Switched Virtual Paths, which are shared with similar flows toward the same destination, and similar QoS. In the col. 8, lines 15, Han also teaches the converting IP address into ATM address. Therefore, Han teaches the IP traffic into ATM traffic as the claim.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
August 3, 2005



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PRIMARY EXAMINER